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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,982	11/13/2001	Sun-mo Kim	1293.1272	6017

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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

15

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,982

Applicant(s)

KIM ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16, 21-25, 31-36, 38-49, 51, 54 and 58 is/are allowed.
- 6) ☒ Claim(s) 1, 17-20, 26-28, 30, 37, 50-53 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 2-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The amendment dated 04/09/04 has been considered with the following results:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,17-20, 26-28, 30, 51-53, 55-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al (US 5,982,734).

Regarding claim 1 and 50, see 1-6B of Yamashita which show a disk cartridge (see Fig. 5) having a disk (D) where information is recorded and/or reproduced using a disk drive (see Fig. 1) with a probe portion (see detecting means 23 in Fig. 6A), where the disk cartridge (see Fig. 1) comprising: a case to rotatably accommodate the disk; identification units (21) disposed on the case to identify a type of the disk using the probing portion (23); and where the probing portion selectively pressed by the identification unit to produce a predetermined sequence of information (see Fig. 6A and 6B); and a detection unit (23 in Fig. 6) to determine the type of disk based on the predetermined sequence of information, as recited in the instant claimed invention.

Regarding claim 17, see the rejection applied to claim 1 above and further see Fig. 5.

Regarding claims 18-20 and 26, see respective disclosure of Fig. 6A and 6B.

Regarding claims 27 and 28, see Fig. 3 and 5

Regarding claim 30, see the rejection applied to claim 1 above and further see Fig. 5.

Regarding claim 50, see the rejection applied to claim 1.

Regarding claims 51-53, see Fig. 6A-6B.

Regarding claims 55 and 56, see the rejection applied to claim 1 above and further see Fig. 5.

Regarding claim 57, see Fig. 6A-6B.

3. Claims 17-20, 26-28, 37 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Mistretta (US 5,548,571).

Regarding claim 17, see Figs. 1-7 of Mistretta which show a disk cartridge (see Fig. 3) having an information recording medium (disk) and which is received by an apparatus (see Fig. 6) having a probing portion (light transmitter T and light receiver R in Fig. 6), comprising: a case (30) to accommodate the information recording medium, wherein the base having a first side disposed above or below a recording surface of the recording medium; and identification units (h, ht, ho) disposed on the first side of the case to be sequentially detected by the probing portion to produce a predetermined sequence of information to determine the type of recording medium (see Fig. 6) as recited in the instant claimed invention.

Regarding claims 18-20, see respective disclosure of Fig. 6.

Regarding claims 26-28, see references C or N in Fig. 2 or 3 and column 1, lines 54-61.

Regarding claim 37, see the rejection applied to claim 17. The features related to a turntable, a motor, and optical pickup and a controller as further recited in claim 37 are inherently included in an optical or magneto-optical disk drive apparatus shown in Figs. 1 and 6.

Regarding claim 55, see the rejection applied to claim 17 and further see Fig. 6 the feature of a detection unit.

4. Claims 17-20, 26-28, 30, 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Uwabo et al (US 5.940,255).

Regarding claim 17, see Figs. 10 and 11 of Uwabo et al. which show a disk cartridge having an information recording medium (disk) and which is received by an apparatus (see Fig. 11A) having a probing portion (137, 139), comprising: a case (115) to accommodate the information recording medium, wherein the base having a first or top side disposed above or below a recording surface of the recording medium; and identification units (97, 89) disposed on the first or top side of the case to be sequentially detected by the probing portion to produce a predetermined sequence of information to determine the type (capacity) of the recording medium

Regarding claims 18-20, see respective disclosure of Fig. 11A-11D..

Regarding claims 26-28, see holes 47 and 49 in Fig. 1 or 7 and column 5, lines 1-11.

Regarding claim 30, see Figs. 12A-12C of Uwabo et al. which show a disk cartridge having a disk where information is recorded and/or reproduced using a disk drive with a probe portion (push switch), where the disk cartridge comprising: a case (151) rotatably accommodate the disc; identification units (notches 155, 157, 159) disposed on the case to be sequentially detected by the probing portion to produce a predetermined sequence of information relative to a motion between the identification units and the probing portion, and wherein a location of the identification units (notches 155, 157, 159) which are located at a second side adjacent to a top side of the case.

Regarding claim 55, see the rejection applied to claim 17 above.

Regarding claim 56, see the rejection applied to claim 30.

Allowable Subject Matter

5. Claims 2-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 14-16, 21-25, 31-36, 38-49, 51, 54 and 58 are allowed.

Response to Arguments

7. In response to Applicant's arguments filed 04/09/04 with respect to Mistretta reference, Applicant's attention is drawn to Fig. 2 of Mistretta which show support 16 that is part of the carrier disposed extending at least a portion of the surface of the recording medium. Also, Applicant should note that claims 20 recites that "said identification units are detectable by contract with a common tip". However, the term "contract" recited here in claim 20 does not limited to only physical contract. Therefore, contract between the transmitter T, the receiver R and the carrier by the use of a light beam is read on the term "contract" as recited in claim 20.

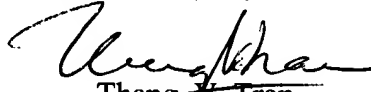
In response to Applicant's arguments with respect to Uwabo reference, Applicant's attention is drawn to Fig. 10 of Uwabo et al which shows the identification unit (89,97) which are sequentially detected by probing portion (139, 137) shown in Fig. 11B. Further, see the identification unit (155, 157, 159 in Fig. 12A or 12B) which are sequentially detected by probing portion (large capacity detecting switch) as recited in claims 17 and 30 (see column 11, lines 49-64).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Thang V. Tran
Primary Examiner
Art Unit 2653